

Remarks

5 Reconsideration of the application is respectfully
requested. The Examiner rejected the claim of priority
because the PCT application (filed 6 Aug. 2004) was filed more
than 12 months before the US filing date of 20 Jan. 2006 of
the present application. This US application was filed under
10 Section 371 and the US national phase must be entered within
30 months from the earliest priority date i.e. 30 months from
8 August 2003. The PCT application was filed 6 Aug. 2004
which is less than 12 months from the priority date of 8 Aug.
2003. Because the PCT was timely filed, the 30-month deadline
15 was 8 Feb. 2006 and this application was filed 20 Jan. 2006
i.e. before the 30-month deadline. The application is
therefore entitled to the early priority date. It is
respectfully requested that this rejection be withdrawn.

20 Claims 1-6 were rejected under Section 112 as being
indefinite. The claims have now been rewritten and should
fully conform to the requirements of Section 112. No new
matter has been added. It is submitted that Fig. 1 clearly
shows, among other things, the nose 15 bearing against the
first leg 10 and extending through the opening 45 of the sheet
25 40.

Claims 1-4 and 6 were rejected under Section 102 as
being anticipated by Moreno. This rejection is respectfully

traversed.

Moreno merely shows a hook 5 with a tip 6 to be hooked to another hook 5' that has a tip 6' as best shown in Figs. 4-8. It is submitted that Moreno completely fails to teach or suggest:

1. A bundle of bags removably attached to a sheet wherein the bundle of bags is parallel to the sheet;
2. A curbed bottom web disposed in a slot of the sheet;
3. A nose extending through an opening of the sheet and bearing against the first leg; and
- 10 4. A second leg in contact with the bundle of bags and urging the bundle of bags away from the sheet.

It is submitted that it would not be obvious to modify Moreno to include the above listed limitations, as required by the amended claim 1. Applicant fails to see why a person of ordinary skill in the art would look to Moreno to learn about these features when they are completely missing.

It is even submitted that the required modifications would render Moreno inoperable. If Moreno is modified to include an opening in the back portion 2 and the hook 5 is bent so that the hook 5 penetrates this opening (although this is not suggested at all in Moreno), it would not be possible to attach hook 5' to hook 5 as taught or suggested by Moreno since it is not possible for the tip 6 of the hook 5 to be in contact with the back portion 2 while at the same time being able to hook up hook 5 with hook 5', as shown in Figs. 4-8.

Additionally, there is no motivation to make the required modifications of Moreno's invention since it would make his invention inoperable. For a modification to be obvious, Moreno must explicitly teach or suggest the required step to 5 motivate the artisan to make the required modifications. In re Fine 5 USPQ.2d (Fed. Cir. 1988), the court ruled (on page 1944) that there must be a motivation for the required modification to be obvious. In Winner International Royalty Corp. v. Wing 48 USPQ.2d 1139, the court ruled (on page 1144) 10 that there must have been some explicit teaching or suggestion in the art to motivate one of ordinary skill in the art to make the required modifications.

Applicant submits that Moreno completely lacks the required teaching or suggestion to motivate the artisan to 15 make the required modifications to Moreno's invention. In other words, it would not be obvious for an artisan to learn about the bundle of bags removably attached to a sheet wherein the bundle of bags are parallel to the sheet, the curved bottom web is disposed in a slot of the sheet, the nose 20 extends through an opening of the sheet and bears against the first leg and the second leg is in contact with the bundle of bags and urges the bundle of bags away from the sheet, by reviewing the teachings of Moreno when Moreno completely fails to teach or suggest these features. As indicated above, such 25 modifications would make Moreno's invention much less effective and even inoperable.

In view of above, it is submitted that the amended
claim 1 is allowable.

5 Claims 2-4 and 6 are submitted to be allowable
because the claims depend on the allowable base claim 1 and
because the claims include limitations that are not taught or
suggested in the cited references.

Claim 5 was rejected under Section 103 as being
obvious over Moreno. This rejection is respectfully
traversed.

10 Claim 5 is submitted to be allowable because the
claim depends on the allowable base claim 1 and because the
claim includes limitations that are not taught or suggested in
the cited references.

15 The application is now submitted to be in condition
for allowance, and such action is respectfully requested.

Respectfully submitted,

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